IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 14TH SEPTEMBER 2007 / 23RD BHADRA 1929

WP(C).No. 1723 of 2005(E)

PETITIONER:

SHIBU GEORGE, VADAKKEL HOUSE,
KOMBHAZHA, VANIAMPARA P.O.,
THRISSUR DT.

BY ADV. SRI.K.G.BALASUBRAMANIAN

RESPONDENTS:
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1. KERALA AGRICULTURAL UNIVERSITY,
MANNUTHY, THRISSUR DT. REPRESENTED BY
REGISTRAR.

2. STATE OF KERALA REPRESENTED BY
CHIEF SECRETARY, THIRUVANANTHAPURAM.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, AGRL.UNTY.
SMT.P.JAYA, SC, AGRL. UNIVERSITY
GOVT. PLEADER SRI.R.LAKSHMINARAYAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX (WPC 1723/2005)

PETITIONER'S EXTS.

EXT.P1 - TRUE COPY OF ORDER NO.GA/B1/50247/2000 DATED 26.5.01 BY THE ASST. REGISTRAR OF THE 1ST RESPONDENT.

EXT.P2 - TRUE COPY OF ORDER NO.GA/B1/5456/02 DATED 7.2.2003 OF THE ASST.REGISTRAR (ADMN) OF THE 1ST RESPONDENT TO THE DIRECTOR, CENTRE FOR ADVANCED STUDIES IN FARM GENETICS AND BREEDING COLLEGE OF VETERNINARY AND FARM SCIENCES, MANNUTHY.

EXT.P3 - TRUE COPY OF REPRESENTATION DATED 5.6.2003 SUBMITTED BY ASSOCIATION BEFORE THE VICE CHANCELLOR.

EXT.P4 - TRUE COPY OF REPLY FROM ASST. REGISTRAR DATED 26.6.2003 TO THE SECRETARY OF THE ASSOCIATION.

EXT.P5 - TRUE COPY OF ORDER NO.GA/B1/38805/03 DATED 17.12.2003 OF THE ASST. REGISTRAR.

EXT.P6 - TRUE COPY OF ORDER NO.GA/B1/32129/03 DATED 30.1.2004.

EXT.P7 - TRUE COPY OF 1ST RESPONDENT'S LETTER DATED 3.3.2004 TO THE SECRETARY, AGRICULTURE (FARMS) DEPARTMENT.

EXT.P8 - TRUE COPY OF LETTER NO.GAB1/22691/98(1) DATED 1.10.04 OF THE SECRETARY OF THE ASSOCIATION FROM 1ST RESPONDENT.

EXT.P9 - TRUE COPY OF 'THE STATUTES'.

/TRUE COPY/

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 1723 OF 2005-E

JUDGMENT

The petitioner has successfully completed the Vocational Higher Secondary Examination in Livestock Management and Dairying. He submits, he has also successfully completed the Animal Husbandry Training Course conducted by the Director of Animal Husbandry. Under the Kerala Agricultural University there are vacancies in the post of Livestock Assistant/Farm Assistant (Veterinary). The qualifications and method of appointment to the post of Farm Assistant (Veterinary) Grade II are prescribed by Ext.P9 statutes. The qualifications prescribed according to Ext.P5 are: (1) Pass in S.S.L.C. (2) Successful completion of Livestock Assistants Training course conducted by the Kerala Agricultural University or its equivalent qualification. The petitioner submits, his qualification should be treated as equivalent to the second qualification prescribed above. So, the Livestock Management Certificate holders' Association, in which the petitioner is a member, moved the Agricultural University, praying that the clearance of V.H.S. Course mentioned above may be treated as equivalent to the prescribed qualification in Ext.P9. The University replied

by Ext.P8, stating that the matter is under correspondence with the State Government and if the State Government agrees, the above said course will be treated as equivalent to the prescribed qualification. In the above background, this writ petition was filed, challenging Ext.P9, apart from other communications on the subject.

2. The 1st respondent University has filed a statement, in which it is submitted that at present no recruitment to the post of Farm Assistant (Veterinary) is under contemplation of the University.

3. The Vocational Higher Secondary Course in Livestock Management and Dairying is a new course. So, it is only appropriate that the students who have cleared the said course successfully are also considered for appointment to the post of Farm Assistant (Veterinary), provided the content of their course is equivalent to the content of the Livestock Assistants Training Course. The University will be the best judge of the matter. Accordingly, the competent body of the 1st respondent University is directed to consider the claim of the petitioner to treat the qualification possessed by him as equivalent to the second qualification prescribed for the post of Farm Assistant (Veterinary) Grade II mentioned above. The petitioner may file a representation setting out his claim before the 1st respondent within one month from today. In that event the competent

body of the University will consider the same and take a decision thereon within four months from the date of receipt of the same. If the Government's concurrence is necessary as per the provisions of the Kerala Agricultural University Act, needless to say, the decision shall be taken after obtaining the views of the Government also.

The Writ Petition is disposed of as above.

14th September, 2007. **K.BALAKRISHNAN NAIR, JUDGE.**

Nm/